

**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 1055 Brevard County

**SPONSOR(S):** Tobia

**TIED BILLS:** **IDEN./SIM. BILLS:**

|    | <b>REFERENCE</b>  | <b>ACTION</b> | <b>ANALYST</b> | <b>STAFF DIRECTOR</b> |
|----|---|---------------|----------------|-----------------------|
| 1) | Military & Local Affairs Policy Committee               | 12 Y, 0 N     | Nelson         | Hoagland              |
| 2) | Public Safety & Domestic Security Policy Committee      | 14 Y, 0 N     | Cunningham     | Cunningham            |
| 3) | Economic Development & Community Affairs Policy Council | 12 Y, 0 N     | Nelson         | Tinker                |
| 4) |   |               |                |                       |
| 5) |   |               |                |                       |

**SUMMARY ANALYSIS**

This bill amends the special law that created the Brevard Police Testing and Certification Center at Brevard Community College. The bill:

- changes the name of the center to the Brevard Police Testing and Selection Center;
- provides for changing the composition and membership of the Center’s board of directors to allow for certain designees, and additional members from newly established police departments;
- provides the board authority to recommend the approval of agreements with and acceptance of funds or services from any federal, state or local governmental entity or political subdivision, college or university, or private or civic source;
- clarifies the Center's primary mission;
- provides for applicant testing, screening and information services for criminal justice and public safety positions;
- authorizes reasonable applicant fees to offset a portion of screening costs;
- revises provisions relating to the establishment of user fees to require the approval of the Brevard Community College Board of Trustees; and
- provides an effective date of upon becoming law.

The Brevard Police Testing and Certification Center should experience a positive fiscal impact as a result of this bill.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

Chapter 87-423, L.O.F., created the Brevard Police Testing and Certification Center at Brevard Community College. This centralized testing center was established to improve the quality and uniformity of law enforcement personnel recruitment by the various law enforcement agencies in Brevard County.

The Center is administered by Brevard Community College through a board of directors comprised of the following 16 members:

- the chiefs of police of the municipalities of Titusville, Cocoa, Rockledge, Cocoa Beach, Satellite Beach, Indian Harbour Beach, Indialantic, Melbourne Beach, Melbourne, West Melbourne, Melbourne Village and Palm Bay;
- the Sheriff of Brevard County;
- the State Attorney for Brevard County or a prosecuting attorney appointed by the State Attorney;
- the President of Brevard Community College or his designee; and
- the director of the Law Enforcement Academy of Brevard Community College.

This board meets at least once during each calendar quarter, at such other times as the board determines, and at any time upon the call of its chairman. The board recommends the adoption of rules for the transaction of its business. The Brevard Community College board of trustees, based upon these recommendations, adopts procedural and substantive rules and regulations for the operation of the Center.

A quorum of the board of directors consists of eight members, and no official action of the board, other than declaring a recess or rescheduling a meeting, can be taken unless a quorum is present. A majority vote of the members present and voting is necessary for the board to act on any matter.

The board is charged with recommending the following to the college trustees for approval:

- criteria for testing, physical examination, and background investigation of police officers;
- the amounts of any user fees charged by the Center;
- an annual budget for the Center;
- the number and types of employees employed by the Center; and
- any other criteria or requirements for the proper administration of the Center.

The Center operates in the facilities and under the day-to-day supervision of Brevard Community College. Center employees are selected and employed by the college and have the same rights and privileges as other employees. All budgeting and accounting for the operations of the Center are accomplished in accordance with college standards and procedures.

The Center is charged with developing, establishing and maintaining a centralized information center on prospective candidates for law enforcement officers in Brevard County. It is the primary point-of-contact for applicants wishing to attend the law enforcement academy, receive Equivalency of Training evaluation, or apply for inclusion in the county-wide employment pool. The Center provides standardized screening, testing, physical examination, and background investigation of applicants.

Upon the request of any law enforcement agency in Brevard County, the Center provides a list of qualified applicants for employment and reports all information gathered during the testing, screening and investigation of each applicant. No report or information concerning an applicant may be released to a law enforcement agency or to any other party without the applicant's consent.

In addition to the foregoing, the Center may make recommendations concerning uniform standards for the recruitment and testing of law enforcement officers. Also, the Center may enter into contracts and agreements to carry out its purposes. Any such contracts require approval by the board of directors and Brevard Community College.

The activities of the Center do not generate full-time equivalent (FTE) students for the college as a part of the community college's enrollment. Classes which are part of the regular program of the college to train law enforcement officers are not affected by this prohibition.

The Center provides its services without taxpayer funding, and pays Brevard Community College for office space and the costs of administration. A Brevard Police Testing and Certification account within the auxiliary fund at the college is used exclusively for the Center's operation and administration. Money deposited into this account consists of the following:

- A sum of \$3 which is assessed as a court cost by both the circuit court and the county court in Brevard County against every person convicted for violation of a state criminal statute, convicted for violation of a municipal or county ordinance (except those relating to the parking of vehicles), or who pays a fine or civil penalty for any violation of ch. 316, F.S., the "Florida Uniform Traffic Control Law." The Clerk of the Court of Brevard County collects the \$3 court costs and remits the same to the Center on a monthly basis.
- Such user fees as are established by the Center's board of directors for use of the Center's services by law enforcement agencies in Brevard County.
- Any donations and grants that the Center may receive.

Brevard Community College is required to prepare an annual budget for the operation and administration of the Center for the period beginning July 1 and ending June 30. The budget for any fiscal year must be submitted to the Center's board of directors for approval no later than June 1 of the previous fiscal year. The total expenditures for any fiscal year may not exceed the funds in the auxiliary fund account, and no program for the Center may be approved by its board unless all funds for such program are available. Members of the board of directors receive no compensation for their services.

A number of similar such institutes exist throughout Florida. A list of these entities (and the fees charged for testing in 2009) includes:

Brevard Police Testing and Certification Program  
Melbourne, Florida  
Approximate cost: \$200.00 – Out of State  
\$50.00 – In State

Gulf Coast Criminal Justice Assessment Center  
Panama City, Florida  
Approximate cost: \$250.00 – Out of State as of 7/1/09  
\$50.00 – In State

Indian River State College  
Police Assessment Center  
Ft. Pierce, Florida  
Approximate cost: \$450.00 (includes polygraph, background, psychological, & drug screen)  
\$10.00 – Physical Abilities Test  
\$30.00 – Basic Abilities Test

Broward College  
Criminal Justice Institute  
Davie, Florida  
Approximate cost: \$250.00 – as of 7/1/09

Palm Beach Community College  
Criminal Justice Institute  
Lake Worth, Florida  
Approximate cost: \$450.00 (includes physical, psychological, drug screen & livescan)

Tallahassee Community College  
Criminal Justice Selection Center  
Havana, Florida  
Approximate cost: \$250.00 – as of 7/1/09

Police Applicant Screening Service  
St. Petersburg, Florida  
Approximate cost: \$35.00 – test only

Santa Fe Community College  
Alachua County Criminal Justice Assessment Center  
Gainesville, Florida  
Approximate cost: \$200.00 – Out of State  
\$50.00 – In State

Chipola College  
Criminal Justice Training Center  
Marianna, Florida  
Approximate cost: \$200.00

Polk Community College  
Polk County Criminal Justice Selection Center  
Winter Haven, Florida  
Approximate cost: \$200.00

Lake Technical Center  
Lake County Criminal Justice Selection Center  
Tavares, Florida  
Approximate cost: \$175.00 – Out of State  
\$50.00 – In State

## Effect of Proposed Changes

HB 1055 amends ch. 87-423, L.O.F., as amended. It changes the name of the Brevard Police Testing and Certification Center to the Brevard Police Testing and Selection Center. The bill clarifies that the primary mission of the Center is to provide and undertake standardized screening, testing, physical examination, and background investigation of law enforcement applicants.

The Center will continue to be administered by Brevard Community College through a board of directors. The bill changes the composition of the board as follows:

- Previously, the board was comprised of the chiefs of police of the municipalities of Titusville, Cocoa, Rockledge, Cocoa Beach, Satellite Beach, Indian Harbour Beach, Indialantic, Melbourne Beach, Melbourne, West Melbourne, Melbourne Village and Palm Bay. Now, the board will be comprised of the chief of police from each law enforcement agency employing law enforcement officers as defined in ch. 943, F.S.,<sup>1</sup> having its headquarters in Brevard County, or his or her designee. These changes to the law will allow the chiefs of newly established police departments to join the board.<sup>2</sup>
- The board continues to include the State Attorney for Brevard County or a prosecuting attorney appointed by the State Attorney, and the President of Brevard Community College or his or her designee. However, now other current members including the Sheriff of Brevard County and the director of the Law Enforcement Academy of Brevard Community College will be allowed to name a designee. This change will remedy a recurring problem of establishing a meeting quorum by adding a designee provision for all board members.

The bill expands the duties of the board to include the recommendation of agreements to accept and expend funds or services from any federal, state or local governmental entity or political subdivision; colleges or universities (including Brevard Community College); and private or civic sources. Approval of these agreements by the college trustees will facilitate the development of new revenue sources for the Center.

In addition to its present duties with regard to testing, screening and investigation of applicants for employment as law enforcement officers, the bill authorizes the board to provide similar services for the state and its agencies, colleges and universities, Brevard County, and the several municipalities and agencies within the county that provide criminal justice or public safety related services through contract with any of the foregoing, for prospective candidates for law enforcement, law enforcement support, corrections, and other public safety positions, including, but not limited to, law enforcement officer, corrections officer, firefighter, emergency medical technician or paramedic, public safety answering point call taker, dispatcher, communications operator, crime scene technician, or other criminal justice or public safety positions as deemed appropriate by the board. The board may enter into agreements to carry out this work, with the costs of such screening, including a reasonable allowance for overhead, being paid by the agency receiving the service. Such agreements may provide

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<sup>1</sup>Section 943.10 (1), F.S., defines "law enforcement officer" to mean any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

<sup>2</sup> Since the passage of the legislation creating the Center, over 20 years ago, two new police agencies have been created in Brevard County: the Melbourne International Airport Police Department and the Canaveral Port Authority Police Department.

reasonable fees to be paid by applicants to offset a portion of screening costs. These changes will allow the Center to enlarge its services for other public safety occupations within Brevard Community College's newly created Institute of Public Safety.

The bill requires that user fees as established from time to time by the Center's board of directors now be approved by the Brevard Community College Board of Trustees.

The act provides an effective date of upon becoming law.

**B. SECTION DIRECTORY:**

Section 1: Amends sections 1, 2, 4, 6 and 7 of ch. 87-423, L.O.F., as amended by ch. 89-520, L.O.F, relating to the Brevard Police Testing and Certification Center.

Section 2: The bill takes effect upon becoming a law.

**II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 14, 2010

WHERE? *Florida Today*, a daily newspaper published in Brevard County, Florida.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

According to the Economic Impact Statement, new revenues from performance of background checks for public safety occupations other than law enforcement officers will result in additional revenues of \$2,175 in Fiscal Year 2010-2011,<sup>3</sup> and \$4,350 in Fiscal Year 2011-2012. The Statement notes that the Brevard Police Testing Center will provide localized, cost-effective screening services for public safety agencies to help them redirect staff to spend more time on direct mission support. There are no foreseeable disadvantages. Services will be provided on a voluntary basis and only upon customer agency request.

The impact upon competition and the open market for employment is anticipated to be minimal. The Center's staff is only equipped to conduct a small volume of agency-requested background checks. A telephone survey of local public safety entities conducted in November 2009 disclosed that Brevard County Fire Rescue, one of the largest agencies in the county, currently performs background checks of new hires using in-house staff. Additionally, it was determined that one out-of-state company was performing background screening for paramedic students enrolled in courses of study at Brevard Community College. The local police agencies currently perform in-house background checks for non-sworn personnel such as 911 dispatchers and crime scene technicians.

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<sup>3</sup> Estimates passed on 100 applicants fingerprinted per year @ net revenue of \$21.75 per applicant=\$2,175 for the first year of implementation.

### **III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

Chapter 97-333, L.O.F., granted similar authority to the Pinellas Police Standards Council with regard to the establishment of reasonable applicant fees and the provision of screening and testing services.

This bill is supported by Brevard Community College and the Brevard Police Testing Center Board of Directors.

### **IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**

None.